

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

IN RE:)	In Proceedings Under
)	Under Chapter 13
James L. Walters, Jr.)	Case No.: 23-70093-AKM-13
Heather L. Walters)	
)	
Debtors)	

DEBTORS' RESPONSE TO TRUSTEE'S OBJECTION TO COURT CLAIM #19

NOW COMES Debtors, James and Heather Walters, by counsel, and for this Response to Trustee's Objection to Court Claim #19, Claim of Deaconess Hospital, state the following:

1. Debtors filed for relief under Chapter 13 on February 9, 2023. The Plan was confirmed by Order of this Court on March 28, 2023;
2. The creditor at issue in this case, Deaconess Hospital, filed suit against Heather Walters, co-Debtor in this case, pre-petition by and through its collections agency/agent Med-1. That cause number is 82D06-2112-SC-009430. The judgment on this state court claim was entered July 22, 2022 and became a lien on real estate located at 210 East Oregon Street, Evansville, Indiana owned by co-Debtor with her Mother;
3. The Order of Confirmation in this case sets out that Med-1/Deaconess is to be paid in full with 8% interest at \$100.00 per month;
4. Neither Med-1 on behalf of Deaconess nor Deaconess filed a proof of claim in this case. Therefore, Debtors, by counsel, timely filed a proof of claim on behalf of Deaconess and therein, based on the information then available, to wit the existence of a lawsuit/judgment filed in state court by Med-1 on behalf of Deaconess, identified the address to which payments should be sent by the Trustee on behalf of Deaconess as "Med-1" at its address. Both the original

proof of claim and the amended proof of claim (necessitated by the initial rejection of payments from the Trustee by Med-1), to which the Trustee objects, identified Deaconess as the creditor;

5. However, the underlying creditor has not changed. The Debtors, through counsel, have attempted via both the original and the amended claim to do everything possible to direct payments to the creditor, Deaconess. Debtors' counsel, based on information provided by counsel for Med-1, believes that the original rejection of payments may have been in error. The undersigned understands that the attorney for Med-1 is attempting to work this matter out with the Trustee and the undersigned has communicated with the attorneyh for Med-1 in an effort to resolve the Trustee's objection by virtue of a second amended claim;

6. Respectfully, Debtors, by counsel, suggest that BR 3004 sets out the time limit by which Debtors (or the Trustee) may file a claim but does not prohibit the amendment of any claim filed by Debtors should information/circumstances warrant an amendment to the claim; and

7. It appears likely this matter may yet be resolved among the parties. Debtors filed this response to the Trustee's objection to preserve the claim filed by Debtors by counsel on behalf of the creditor Deaconess in the meanwhile.

WHEREFORE, the Debtor prays that the Court deny the Trustee's Objection as filed and for all other relief as is just in the premises.

Respectfully submitted,

/s/ Kevin S. Kinkade
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Certificate of Service

The undersigned hereby certifies that on May 30, 2024, a copy of the foregoing **Debtors' Response to Trustee's Objection to Court Claim #19** was filed electronically. Notice of this filing will be delivered to the following concerned individuals electronically, through the Court's electronic case filing system. Parties may access this filing through said system.

Robert P. Musgrave
evansville@trustee13.com;cmecf@evvchap13.com

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

The undersigned hereby certifies that on May 30, 2024, a copy of the foregoing **Debtors' Response to Trustee's Objection to Court Claim #19** was delivered via US Mail to the following:

Med 1Solutions
517 US Hwy 31 N
Greenwood, IN 46142

/s/ Kevin S. Kinkade
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